

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANDREW JACKSON CRATE,	§	
TDCJ-CID NO. 1210935,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-12-0772
	§	
LISA VATANI, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

The plaintiff, a state prisoner, has not complied with this court's order of March 21, 2012 (Docket Entry No. 3), which required him to submit a more definite statement of the facts on which his complaint is based within thirty days. The court's Order specifically provided that "[f]ailure to comply as directed may result in the dismissal of this action." Id. Instead, the plaintiff filed a motion seeking class certification (Docket Entry No. 5), which the court denied. The court again instructed the plaintiff to submit a more definite statement and admonished the plaintiff that his complaint would be subject to dismissal if he did not comply (Docket Entry No. 7). The only response received was a letter from another prisoner repeating the request for class certification and seeking court-appointed counsel. For the third time the court ordered the plaintiff to file a more definite statement, this time by May 10, 2012, and warned him that his

complaint would be dismissed without further notice if he did not comply. No response has been filed. The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. Civ. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995).

Accordingly, it is **ORDERED** that this action be dismissed without prejudice for want of prosecution.

The Clerk shall provide copies of this Memorandum Opinion and Order to the parties.

SIGNED at Houston, Texas, on this the 24th day of May, 2012.



SIM LAKE
UNITED STATES DISTRICT JUDGE